

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

FRIDAY, THE 15TH JUNE 2007 / 25TH JYASHTA 1929

WP(C).No. 29238 of 2005(E)

EP.136/2003 IN O.S.1057/01 of II ADDL.SUB COURT,THRISSUR

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PETITIONER:

C.C.VELU, S/O.CHALLIPARAMBIL CHAMU,
POTTIMADA DESOM, PEECHI VILLAGE, THRISSUR TALUK.

BY ADV. SRI.P.VIJAYA BHANU
SRI.P.SANTHOSH (PODUVAL)

RESPONDENT:

SREEDHANA KURIES & LOANS (P) LTD.,
ERINJERY ANGADY, THRISSUR VILLAGE,
THRISSUR TALUK, REPRESENTED BY ITS CHAIRMAN.

BY ADV. SRI.K.A.SATHEESA BABU

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 15/06/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

APPENDIX(WPC 29238/05)

PETITIONER'S EXTS.:

EXT.P1: TRUE COPY OF THE DECREE IN O.S.1057/01 DT. 22.3.2002 OF THE COURT OF THE PRINCIPAL SUB JUDGE, THRISSUR.

EXT.P2: TRUE COPY OF THE DRAFT SALE PROCLAMATION DATED 10.10.2005.

PIUS C. KURIAKOSE,J.

W.P.(C) No.29238 of 2005

Dated: 15th June, 2007

JUDGMENT

Learned counsel for the petitioner seeks time to get in touch with the petitioner to find out whether the petitioner had complied with the condition imposed by this court while granting stay. But the learned counsel for the respondent has no doubt at all that the condition has not been complied with. Accepting the submission of the learned counsel for the respondent I dismiss the Writ Petition since this court will not be justified in exercising its discretionary jurisdiction in favour of a person who fails to comply with the conditions imposed for grant of interim orders. However purely on considerations of indulgence, even as I dismiss the Writ Petition, there will be a direction to the court below to keep further proceedings for sale of the petitioner's property for another three months. It is open to the petitioner to sort out the issue with the respondent in the meanwhile.

srd

PIUS C.KURIAKOSE, JUDGE